

Notice of Allowability	Application No.	Applicant(s)	
	10/784,496	KALEMBER ET AL.	
	Examiner	Art Unit	
	Victor K. Hwang	3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- 1. ☒ This communication is responsive to the application as filed Feb. 20, 2004.
- 2. ☒ The allowed claim(s) is/are 1-23.
- 3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 - 1. ☐ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

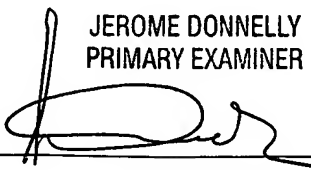
- 4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
- 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- 6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20060614</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

JEROME DONNELLY
PRIMARY EXAMINER



EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Albert O. Cota on June 14, 2006.

2. The application has been amended as follows:

In the Specification:

- A) Page 6, between lines 9 and 10 insert the following paragraph:

-- The seat rail 272 has a front section 274 and a rear T-section 276. The front section 274 is centrally attached to the rear edge 270 of the portable platform 266. A vertical member 280 is collapsibly attached to the seat rail 272 and has a lower section 282 and an upper section 284, with the lower section 282 having means 286 for being moved forward and backward along the seat rail. The upper section 284 has attached the back support 288 and below the back support 288 is the collapsible seat 290. When the seat 290 is collapsed against the vertical member 280, the vertical member 280 is collapsed forward along the portable platform 266, and the telescoping pole assemblies 126 are rotated into a flat position in a stowed or traveling position.—

- B) Page 6, line 21, replace "40" with --44--.

- C) Page 6, line 12, after “bores 20” insert --for retaining a plurality of mounting bolts--.
- D) Page 7, line 2, after “means” insert --60--.
- E) Page 7, line 7, after “means” insert --60--.
- F) Page 10, line 25, replace “222” with --122--.
- G) In the Abstract, lines 4, 7 and 10, replace “90” with --94--.

In the Claims:

- A) Claim 1, line 13, replace “into” with --over--, and replace “therein” with --thereon--.

3. The following changes to the drawings have been approved by the examiner and agreed upon by applicant:

- A) Insert the reference character “10” to identify the exercise apparatus.
- B) Insert the reference character “70” to identify the third side panel.
- C) Insert the reference character “64” to identify the first edge of the second panel.
- D) Insert the reference character “72” to identify the first edge of the third side panel.

In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

4. The following is an examiner’s statement of reasons for allowance: the prior art of record does not disclose or teach an orbital resistance-adjustable sphere exercising apparatus as claimed

wherein the sphere cradle has a base that includes means for supporting three evenly-spaced sphere friction pads, a sphere that is supported by the three sphere friction pads, and means for adjusting the friction that is evenly applied to the sphere by the three sphere friction pads.

Johnson (US Pat. 212,946), *Anderson* (US Pat. 1,535,391), *Mitchell* (US Pat. 3,428,311), *Passera* (US Pat. 3,782,721), *Dehan* (US Pat. 4,249,727), *Fiore* (US Pat. 4,603,856), *Vittone* (US Pat. 5,273,509) and *Haviv* (US Pat. 5,393,280) all show less than three sphere friction pads used provide friction to a rotatable sphere having a pole extending therefrom.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor K. Hwang whose telephone number is (571) 272-4976. The examiner can normally be reached Monday through Friday from 7:30 AM to 4:00 PM Eastern time.

The facsimile number for submitting papers directly to the examiner for informal correspondence is (571) 273-4976. The facsimile number for submitting all formal correspondence is (571) 273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on (571) 272-4887.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor K. Hwang
June 14, 2006